

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Mark H. Vance, | Civil Action No.

Plaintiff,

vs.

Fred T. Combs, individually and as agent of
Unifirst Corporation, and Unifirst Corporation,

Defendants.

NOTICE OF REMOVAL

Defendants Fred T. Combs and Unifirst Corporation (“Defendants”), pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby give notice of the removal of this action from the Court of Common Pleas, Horry County, South Carolina to the United States District Court for the District of South Carolina, Florence Division. As addressed below, this Federal Court has original jurisdiction over this matter under 28 U.S.C. § 1331 because it “aris[es] under the Constitution, laws or treaties of the United States”. In support of this removal, the Defendants state as follows:

1. Plaintiff initiated this action on July 20, 2017 by filing a Complaint against Fred T. Combs, individually and as agent of Unifirst Corporation, and Unifirst Corporation in the Horry County Court of Common Pleas (the “state court action”). The state court action was assigned docket no. **2017-CP-26-04574**. Service was effectuated on Unifirst Corporation by certified mail on July 24, 2017. On information and belief, Mr. Combs has not been served. The Horry County Court of Common Pleas is a state court within this judicial district and division.

The complete state court file, including copies of all process, pleadings and orders served upon Defendants is attached collectively as **Exhibit A**.

2. This action is removable under 28 U.S.C. § 1441(b) because this Court has original jurisdiction over this action under 28 U.S.C. § 1332 because this action arises between citizens of different states and the amount in controversy exceeds \$75,000.00.

3. Specifically, the Defendant Combs is a resident of the State of Virginia and Defendant Unifirst is a corporation organized and existing under the laws of the State of Massachusetts.

4. In addition to satisfying the requirements of federal diversity jurisdiction, Defendants have satisfied all other requirements for removal.

5. The time within which Defendants are permitted to remove this action under 28 U.S.C. § 1446(b) has not expired as the time of the filing and service of this Notice of Removal. Defendants have filed this Notice of Removal within thirty (30) days after it received a copy of the Complaint on July 24, 2017.

6. In accordance with 28 U.S.C. § 1446(a), the complete state court file, including copies of all process, pleadings, and orders served upon Defendants, is attached hereto collectively as **Exhibit A**.

7. Removal to this district and division is proper under 28 U.S.C. § 121(3) because this district and division embraces the Horry County Court of Common Pleas, the forum in which the removed action was pending.

8. In accordance with 28 U.S.C. § 1446(d), Defendants promptly will provide written notice of the filing of this Notice of Removal to the Plaintiff and shall file a copy of this

Notice along with an Acknowledgment of Receipt of Notice of Removal with the Clerk of the Horry County Court of Common Pleas, where this action is currently pending.

9. Defendants submit this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has plead claims upon which relief can be granted. Defendants specifically reserve the right to assert, if applicable, any and all defenses enumerated under Rule 12 of the Federal Rules of Civil Procedure or any other affirmative defenses, including those enumerated in Rule 8(c) of the Federal Rules of Civil Procedure, upon the filing of its responsive pleadings within the time allotted under the Federal Rules of Civil Procedure.

10. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure. A copy of the Civil Coversheet is attached hereto.

11. Defendants have complied with the requirements of Rules 83.IV.01 and 83.IV.02 of the Local Civil Rules of the United States District Court for the District of South Carolina.

12. If any question arises regarding the propriety of the removal of this action, Defendants respectfully request the opportunity to present a memorandum and oral argument in support of the position that this case is removable and conduct discovery related to the facts that support removal.

WHEREFORE, Defendants give notice that the above-entitled action is removed from the Court of Common Pleas, Horry County, South Carolina to the United States District Court for the District of South Carolina, Florence Division.

(signature page to follow)

Respectfully submitted,

GALLIVAN, WHITE & BOYD, P.A.

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Columbia, South Carolina
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